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UNITED STATES OF AMERICA

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

APR 12 2006

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SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00260 JMS
)	
Plaintiff,)	SECOND SUPERSEDING INDICTMENT
)	
v.)	[21 U.S.C. §§ 846, 841(a)(1)
)	and (b)(1)(A); 18 U.S.C. §§
)	922(g)(1) and 924(a)(2)]
JAMES LOW,)	
)	
Defendant.)	
_____)	

SECOND SUPERSEDING INDICTMENT

The Grand Jury charges that:

Count 1

Beginning at a date unknown and continuing up to and including June 8, 2005, in the District of Hawaii, defendant JAMES LOW, along with Michael Silva ("Silva"), who is not named as a defendant in this indictment, did knowingly and intentionally combine, conspire, confederate and agree together, with each other, and with others known and unknown, to distribute

with each other, and with others known and unknown, to distribute 50 grams or more, to wit: approximately 2,935 grams, of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21 United States Code, Sections 846, 841(a)(1) & (b)(1)(A).

OVERT ACTS

In furtherance of said conspiracy and to effect and accomplish the objects thereof, the following acts, among others, were committed within the District of Hawaii, and elsewhere:

- a. In or about 2004, defendant JAMES LOW ("LOW") and Michael Silva ("Silva") agreed to distribute quantities of methamphetamine within the District of Hawaii. LOW and Silva agreed that LOW would "front" Silva a pound of crystal methamphetamine ("ice") at a time for \$20,000 per pound. Silva would then front a half-pound of the "ice" given to him by LOW to another individual for \$12,500.
- b. On or about June 5, 2005, Silva went to LOW's residence at 1910 Ala Moana Boulevard, Apartment #10C in Honolulu, Hawaii where LOW fronted Silva a pound of "ice" for \$20,000 per their agreement.
- c. On June 8, 2005, Silva spoke with another individual on the telephone and told that person he could sell him an ounce of "ice" for \$1500 or a half-pound of "ice" for \$12,500. Silva and the individual agreed to meet at

the Aqua Marine Hotel in Waikiki to conduct their drug transaction.

- d. On June 8, 2005, Silva walked out of the lobby at the Aqua Marine Hotel with 103.7 grams of "ice" in his possession.

All in violation of Title 21, United States Code, Section 846.

Count 2

On or about June 8, 2005, in the District of Hawaii, defendant, JAMES LOW, did knowingly and intentionally possess, with intent to distribute, 50 grams or more, to wit: approximately 2,831 grams, of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a) (1) and (b) (1) (A).

Count 3

On or about June 8, 2005, in the District of Hawaii, defendant JAMES LOW, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, firearms and ammunition, to wit: (1) a Ruger, model 10/22, .22 caliber rifle bearing serial number 243-31569; (2) a Glock, model 17, 9mm pistol with the serial number removed; (3) a Glock, model 23, .40 caliber pistol with the serial number removed; (4) a North American Arms .22 caliber pistol with the serial number removed; (5) approximately 495 rounds of Winchester .22 caliber long rifle ammunition; (6)

approximately 101 rounds of Winchester 9mm ammunition; (7)
approximately 15 rounds of Federal .40 caliber ammunition; (8)
approximately five rounds of CCI .40 caliber ammunition; and (9)
approximately four rounds of CCI .22 caliber ammunition,

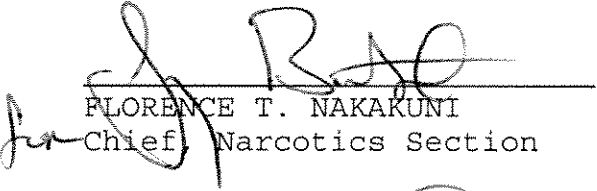
All in violation of Title 18, United States Code,
Sections 922(g)(1) and 924(a)(2).

Dated: April 12, 2006, at Honolulu, Hawaii.

A TRUE BILL

/s/ Foreperson
FOREPERSON, GRAND JURY

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii


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United States v. James Low
Second Superseding Indictment
CR. No. 05-00260 JMS